IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL, CIVIL JURISDICTION

WRIT **PETITION NO.1859 OF 2005**

SBI Commercial & International..Petitioner

Vs.

Security Guards' Board

For Brihanmumbai & Thane

Districts & Ors. ..Respondents

Mr. R.S. Pai with Mr. G.D. Utangale, for the

Petitioner

Mrs. Lata Desai with Ms. Pallavi Divekar, for the

respondents

CORAM: **F.I. REBELLO &**

ANOOP V. MOHTA, JJ.

DATE: 25th SEPTEMBER 2006

P.C.

. It is the case of the petitioners that petition being Writ Petition No.591 of 2001 was filed by Security Guards in which an order was passed on 28th March, 2001. By that order the respondent Board was directed not to replace the security guards posted on the establishments of the 1st respondent without prior permission of this Court. Learned Counsel for the respondents informs us that the petition has been dismissed against which the petitioners therein have preferred a S.L.P. before the Supreme Court where leave has been granted. While granting leave the interim order of this Court

if any was directed to be continued until the disposal of the matters..

2. On behalf of the petitioners learned Counsel points out that some of the floors of the premises in which they were functioning have been surrendered and consequently the number of security guards which they require would be only 12 against the original component of 19. An application to that effect has been made to respondent No.1, which the respondent No.1 has not disposed of till date.

3. We are afraid it will not be possible for us to consider the merits of that contention. The matter is before the Supreme Court. There is an interim order. It will be open to the petitioners, therefore,to move the Supreme Court for whatever direction and/or reliefs to which they are entitled to.

4. The learned Counsel also contends that the respondent No.1 should be prevented from issuing any notification increasing the wages. That cannot be considered in this petition. It will be open to the petitioners to file an independent petition if in law they are so entitled to. Petition disposed off.

(F.I. REBELLO, J.)

(ANOOP V. MOHTA, J.)